

REMARKS

In the Office Action mailed August 1, 2006, the Examiner identified three allegedly distinct inventions: Group I (claims 1-8); Group II (claims 9-13); and Group III (claims 14-18). The Examiner required restriction to one of the allegedly distinct inventions pursuant to 35 U.S.C. § 121.

In response, Applicants have amended the claims, as described below, in order to obviate the Examiner's Restriction Requirement and to retain the right to rejoinder. *See* MPEP 821.04.

Applicants have canceled claims 9-13 without prejudice. With claims 9-13 now canceled, Applicants submit that the issues regarding Group II are moot.

Applicants have also amended claim 14 to recite “[a]n assay kit for detecting *Salmonella* antigens in a sample” and to specify that the instructions are for using the anti-*Salmonella* antibody and the tracer “in accordance with the method of claim 1.” With these amendments, Applicants submit that the Examiner's requirement for restriction between Group I and Group III is moot.

To the extent that the Examiner believes otherwise, Applicants traverse the Examiner's requirement to restrict between Group I and Group III and urges the Examiner to reconsider the requirement. The Examiner's basis for restriction, that “Groups I and III are unrelated as product of using an product used” is incomprehensible as stated. A product and a process of using the product can be shown to be distinct inventions in certain cases. However, “[t]he burden is on the examiner to provide an example.” *See* MPEP § 806.05(h). In this case the Examiner has not provided any example. Accordingly, Applicants submit that the Examiner has not met the Examiner's burden of showing that the process as claimed can be practiced with a materially different product or that the product as claimed can be used in a materially different process,

particularly since claim 14 has been amended to include instructions for using the anti-*Salmonella* antibody and the tracer in accordance with the method of claim 1.

Applicants have also added a new claim 19 (dependent on claim 1) and a new claim 20 (dependent on claim 14).

In light of the foregoing, Applicants respectfully request to withdraw the Restriction Requirement. To the extent that any election is required, Applicants elect Group I (claims 1-8 and 19).

Respectfully submitted,

Date: August 23, 2006

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